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REMARKS

Claims 1-59 are pending in the present application. Claims 8-51 and 56-59 have been allowed. Claims 1 and 52 have been amended herein. No new matter has been added.

Claims 2, 3, 7, 53, and 55 have been objected to as being dependent from a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1, 4-6, 52, and 54 have been rejected under 35 U.S.C. § 102(b) as assertedly being anticipated by U.S. Patent No. 6,069,400 to Kimura et al. (hereinafter "Kimura"). Applicants respectfully traverse this rejection.

Claim 1 has been amended to recite "the first low-dielectric constant material having at least one first material property, and *having a dielectric constant less than that of SiO₂*" and "the third low-dielectric constant material sub-layer *having a dielectric constant less than that of SiO₂*." Kimura does not disclose this limitation. Rather Kimura discusses two layers deposited using TEOS oxide, which would not form a layer having a dielectric constant less than that of SiO₂. Because of this, Kimura does not disclose "each and every element as set forth in the claim," as required by MPEP § 2131, and Kimura cannot anticipate Applicants' Claim 1. Accordingly, Applicants respectfully request the withdrawal of the rejection of Applicants' Claim 1.

Claims 4-6 depend from and further limit independent Claim 1 in a patentable sense. Accordingly, Applicants respectfully request that the rejections of Claims 4-6 be withdrawn as well.

Claim 52 has been amended to recite “the first low-dielectric constant material...*having a dielectric constant less than that of SiO₂*” and “the third low-dielectric constant material sub-layer *having a dielectric constant less than that of SiO₂*.” Kimura does not disclose two low-dielectric constant material sub-layers that have a dielectric constant less than that of SiO₂. Rather, Kimura discusses forming two layers using TEOS oxide. These layers do not have “a dielectric constant less than that of SiO₂.” Because of this, Kimura does not disclose “each and every element as set forth in the claim,” as required by MPEP § 2131, and Kimura cannot anticipate Applicants’ Claim 52. Accordingly, Applicants respectfully request that the rejection of Claim 52 be withdrawn.

Claim 54 depends from and further limits independent Claim 52 in a patentable sense. Accordingly, Applicants respectfully request that the rejection of Claims 54 be withdrawn as well.

In view of the above, Applicants respectfully submit that this response complies with 37 C.F.R. § 1.116. Applicants further submit that claims 1-59 are in condition for allowance. No new matter has been added by this amendment. If the Examiner should have any questions, please contact Applicants' agent at the number listed below. No fee is believed due in connection with this filing. However, in the event that there are any fees due, please charge the same, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,

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Date

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